

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOSEPH FREDERICK,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-847-SLP
)	
CASEY HAMILTON, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 14] issued by United States Magistrate Judge Chris M. Stephens pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Plaintiff, a state prisoner appearing pro se and in forma pauperis, asserts claims for violations of his federal constitutional rights under 42 U.S.C. § 1983 against three Defendants in their individual and official capacities: (1) Chris Hamilton, GPCC Warden, (2) A. Johnson, GPCC Correctional Officer, and (3) Ashely Allen, GPCC Bravo Unit Manager. [Doc. No. 1] at 1-2; [Doc. No. 1-2] at 1. Plaintiff seeks monetary damages, injunctive and declaratory relief, and legal costs and fees. [Doc. No. 1] at 5.

Upon initial review of Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1915, 1915(A), the Magistrate Judge recommends a partial dismissal of Plaintiff's Complaint. [Doc. No. 14] at 20–21. The Magistrate Judge advised Plaintiff of his right to object to the R&R and directed any objections be filed on or before July 21, 2025. *Id.* Plaintiff was further advised that any failure to object would waive Plaintiff's right to appellate review of the factual and legal issues addressed in the R&R. *Id.* No objection has been filed, nor

has an extension of time in which to object been sought or granted. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the R&R. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). Upon review, the Court fully concurs with the analysis set forth in the R&R.

IT IS THEREFORE ORDERED that the R&R [Doc. No. 14] is ADOPTED in its entirety, including the recommendations of: (1) dismissal with prejudice of all official capacity claims for money damages and retrospective injunctive relief and all individual capacity claims seeking declaratory or injunctive relief; and (2) dismissal without prejudice of all official capacity claims seeking declaratory and injunctive relief as moot; (3) dismissal without prejudice of the Fourteenth Amendment claim of denial of access to the courts against Defendants Allen and Johnson; (4) dismissal without prejudice of the First Amendment retaliation claim against Defendant Allen; (5) dismissal without prejudice of the Eighth Amendment conditions-of-confinement claim against Defendants Allen and Hamilton; and (6) dismissal without prejudice of claims against Defendant Hamilton for failure to train and/or supervise Defendants Allen and Johnson. All those claims are DISMISSED as set forth.

IT IS FURTHER ORDERED that Defendants Allen and Hamilton are hereby dismissed from this action.

IT IS FURTHER ORDERED that Plaintiff's First Amendment retaliation claim seeking monetary damages against Defendant Johnson in his individual capacity remains pending. This matter remains referred to the Magistrate Judge.

IT IS SO ORDERED this 25th day of July, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE